



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, शुक्रवार, 1 अगस्त, 2008 / 10 श्रावण, 1930

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हिमाचल प्रदेश सरकार

**OFFICE OF THE RETURNING OFFICER CENTRAL COUNCIL  
HOMOEOPATHIC ELECTION, RAH, SHIMLA-171002(H.P.)**

### **DECLARATION OF RESULT**

*Shimla-171002, the 28th July, 2008*

**No. CCH (Election)HP-1/08.**—Dr.Ramesh Chand Dogra S/O Sh. Chenu Ram Vill. & P.O. Turkwari, Teh Bhoranj, Distt. Hamirpur, Himachal Pradesh as a candidate for the election to the Central Council of Homoeopathy is hereby declared elected under rule 13(1) of the Homoeopathy Central Council (Election) Rules, 1975 to fill a seat in the Central Council of Homoeopathy from the State of Himachal Pradesh.

Dr. SURINDER MEHTA,  
*Returning Officer,  
Central Council of Homoeopathic Election.*

कार्यालय निर्वाचन अधिकारी केन्द्रीय होम्योपैथी परिषद् निर्वाचन  
हिमाचल प्रदेश राज्य क्षेत्रीय आयुर्वेदिक चिकित्सालय, शिमला-2

परिणाम घोषित

शिमला-171002, 28 जुलाई, 2008

संख्या: सी0सी0एच0 (निर्वाचन)हिप्र-1/08.—श्री रामेश चन्द डोगरा सुपुत्र श्री चेनू राम, गांव व डा0 तुर्कवाडी, तहसील भोरन्ज, जिला हमीरपुर, हिमाचल प्रदेश से जो केन्द्रीय होम्योपैथी परिषद् के निर्वाचन के लिये सदस्य हैं, को केन्द्रीय होम्योपैथी परिषद् (निर्वाचन) नियम, 1975 के नियम 13 (1) के तहत केन्द्रीय होम्योपैथी परिषद् के पद को हिमाचल प्रदेश से भरने हेतु निर्वाचित घोषित किया जाता है ।

डा0 सुरेन्द्र मैहता,  
निर्वाचन अधिकारी,  
केन्द्रीय होम्योपैथी परिषद् निर्वाचन ।

REVENUE DEPARTMENT

NOTIFICATION

*Shimla-2 the, 23rd February, 2007*

**No. Rev-A(A)2-1/2006.**—In exercise of powers vested in him under Section 3(c) of the Land Acquisition Act, 1894 and all other powers enabling him in this behalf the Governor, Himachal Pradesh is pleased to confer upon SDO (C), Sundernagar, the powers of Land Acquisition Collector under the said Act to be exercised by him within the limits of his jurisdiction from the date he took over the charge of the post.

By order,  
Sd/-  
Secretary.

*[Authoritative English text of this Government Notification No. PBW-A-A(3)-12/2006 dated 28-06-2008 as Required under clause (3) of Article of 348 of the Constitution of India].*

PUBLIC WORKS DEPARTMENT

NOTIFICATION

*Shimla-2, the 28th June, 2008*

**No. PBW-A-A(3)-12/2006.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor Himachal Pradesh in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for

the post of Architectural Assistant Class-I, (Gazetted) (Technical) in Himachal Pradesh Public Works Department as per Annexure-A attached to the notification, namely:—

**1. Short title and Commencement.**—(i) These rules may be called the Himachal Pradesh Public Works Department Architectural Assistant Class-I (Gazetted) (Technical) Recruitment and Promotion Rules, 2008.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

**2. Repeal and Savings.**—(i) The Himachal Pradesh Public Works Department Architectural Assistant Class-II (Gazetted) Recruitment and Promotion Rules, 1998 notified vide notification No. PBW(A)B(13)36/94 dated 23.5.98 are hereby repealed.

(ii) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under Sub Rule 2(i) supra shall be deemed to have been validly made, done or taken under these Rules.

By order,  
Sd/-  
Secretary

Annexure-“A”

# RECRUITMENT AND PROMOTION RULES FOR THE POST OF ARCHITECTURAL ASSISTANT CLASS-I GAZETTED IN THE DEPARTMENT OF PUBLIC WORKS, HIMACHAL PRADESH

- 1. Name of the post.**— Architectural Assistant
- 2. Number of the post(s).**— 9 (Nine)
- 3. Classification.**— Class-I (Gazetted) (Technical)
- 4. Scale of pay.**— Rs.7220-220-8100-275-10300-340-11660.
- 5. Whether selection post or Non- Selection post.**— Selection
- 6. Age for direct recruitment.**— 45 years and below.

Provided that the upper age limit for direct recruitment will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such adhoc or contract appointment:

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government :

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporation/Autonomous Bodies at the time of initial constitutions of such Corporation/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government Servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/ are subsequently appointed by such Corporation/Autonomous Bodies and who are/were finally absorbed in the Service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the Post(s) is/are advertised for inviting applications or notified to the Employment Exchanges as the case may be.

(2) Age and experience in the case of direct recruitment relaxable at the discretion of Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

**7. *Minimum educational and other Qualifications required for direct recruit(s).*—**  
Essential Qualifications:

Has obtained the National diploma in Architecture or passed bachelor's degree in Architecture from an Institute recognized by the Central/State Government or its equivalent.

OR

Has passed Intermediate examination in Architecture from any Institute recognized by Central/State Government with past qualification three years experience under a qualified registered Architect.

OR

Has passed the Diploma course in Architectural Assistantship from Central/State Board of Technical Education with 4 years past qualification experience under a qualified registered Architect.

*Desirable Qualification(s):* Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in Himachal Pradesh.

**8. *Whether age and educational Qualifications prescribed for direct recruits will apply in the case of the promotees.*—**(i) Age : N.A.

(ii) Educational Qualification: N.A.

**9. *Period of probation, if any.*—**Two years subject to such further extension for a period not exceeding one year as may be ordered by competent authority in special circumstances and reasons to be recorded in writing.

**10.** *Method of recruitment, whether by direct recruitment or by Promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.*—100% by promotion failing which by direct recruitment or on contract basis.

**11.** *In case of recruitment by promotion/deputation/transfer grade from which promotion/deputation/transfer is to be made.*—By promotion from amongst the Head Draughtsman with three years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

*Note.*— (1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules, provided that :—

In all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him/her in the respective category/post/ cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided that all incumbents to be considered for promotion shall also possess the minimum qualifying service of at least three year's or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the persons junior to him/her shall also be deemed to be ineligible for consideration for such promotion;

*Explanation.*—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be exservicemen recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority hereunder or recruited under the provisions of Rule-3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules;

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

**12.** *If a Departmental Promotion Committee exist, what is its composition.*—D.P.C. to be presided over by Chairman of H.P. Public Service Commission or a member thereof to be nominated by him.

**13.** *Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.*—As required under the Law.

**14. Essential requirement for a direct recruitment.**—A candidate for appointment to any service or post must be a citizen of India.

**15. Selection for appointment to post by direct recruitment.**—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test. If H.P. Public Service Commission or other recruiting authority, as the case may be, so considered necessary or expedient by a written test or practical test, the standard/ syllabus etc. of which will be determined by the commission/other recruiting authority, as the case may be.

**15-A Selection for appointment to the post by contract appointment.**—(I) CONCEPT.—(a) Under this policy the Architectural Assistant in P.W.D. will be engaged on contract basis initially for one year, which may be extendable for further two more years on year to year basis.

(b) POST FALLS WITHIN THE PURVIEW OF HP PSC.—The Engineer-in-Chief, after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency *i.e.* H.P. Public Service Commission.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.

(d) Contractual appointee so selected under these Rules will not have any right to claim for regularization or permanent absorption in the Government job.

(II) CONTRACTUAL EMOLUMENTS.—The Architectural Assistant appointed on contract basis will be paid consolidated fixed contractual amount @Rs. 10,830/-P.M.(which shall be equal to initial of the pay scale +Dearness pay). An amount of Rs.220/-(equal to annual increase in the pay scale of the post) as per annual increase in contractual emoluments for the second and third years respectively will be allowed if contract is extended beyond one year.

(III) APPOINTING/ DISCIPLINARY AUTHORITY.—The Secretary(PWD) will be appointing and disciplinary authority.

(IV) SELECTION PROCESS.—Selection for appointment to the post in the case of Contract Appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency *i.e.* H.P. Public Service Commission.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.—As may be constituted by the concerned recruiting agency *i.e.* the H.P. Public Service Commission from time to time.

(VI) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure appended to these Rules.

(VII) TERMS AND CONDITIONS.—(a) The contract appointee will be paid fixed contractual amount @ Rs.10,830/- per month(which shall be equal to initial of the pay scale + dearness pay). The Contract Appointee will be entitled for increase in contractual amount @ Rs. 220/-(equal to annual increase in the pay scale) per annum for second and third years respectively and no other allied benefits such as senior/selection scales etc. shall be given.

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

(c) Contractual appointment shall not confer any right to incumbent for the regularization in service at any stage

(d) Contract Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible to the contract appointee. He/She shall not be entitled for Medical Reimbursement and LTC etc. only maternity leave will be given as per rules.

(e) Unauthorised absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract Appointee shall not be entitled for contractual amount for the period of absence from duty.

(f) Transfer of a contract appointee will not be permitted from one place to another in any case.

(g) Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer/ Practitioner.

(h) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular officials at the minimum of the pay scale.

(VIII) RIGHT TO CLAIM REGULAR APPOINTMENT.—The candidate engaged on contract basis under these Rules shall have no right to claim for regularization as Architectural Assistant in the Department at any stage.

**16. Reservation.**—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/ other Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time.

**17. Departmental Examination.**—Every member of the service shall pass a departmental examination as prescribed in the H.P. Departmental Examination Rules, 1997, as amended from time to time.

**18. Power to Relax.**—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P.PSC relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).

**Form of contract/agreement to be executed between the Architectural Assistant & the Government of Himachal Pradesh through Engineer-in-Chief, H.P. Public Works Department**

This agreement is made on this ..... day of..... in the year..... between Sh./Smt..... S/o/D/oShri.....R/o....., contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Engineer-in-Chief HP PWD(here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as an Arcitectural Assistant on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as an Arcitectural Assistant for a period of 1 year commencing on day of..... and ending on the day of .....It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on .....And information notice shall not be necessary.

2. The contractual amount of the FIRST PARTY will be Rs.\_\_\_\_\_/ - per month.

3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.

4. The contractual appointment shall not confer any right to incumbent for the regularization of service at any stage.

5. Contractual Arcitectural Assistant will be entitled for one day casual leave after putting one month service. This leave can be accumulate upto one year. No leave of any kind is admissible to the contractual Arcitectural Assistant. He/She will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.

6. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual Arcitectural Assistant will not be entitled for contractual amount for the period of absence from duty.

7. Transfer of a official appointed on contract basis will not be permitted from one place to another in any case.

8. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit until the confinement is over. The women candidate should be re-examined for fitness from an authorized Medical Officer/ practitioner.



9. Contractual Architectural Assistant shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part Official.
10. The Employees Group Insurance Scheme as EPF/GPF facility will not be applicable to the contractual appointee(s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Full Address)

(Signature of the FIRST PARTY)

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Full Address)

IN THE PRESENCE OF WITNESS:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Full Address)

(Signature of the SECOND PARTY)

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Full Address)

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**HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001**

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**NOTIFICATIONS**

*Shimla, the 23rd July, 2008*

**No. HHC/Admn. 16(24)75-III.**—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(b) of the Code of Criminal Procedure, 1973 and Rule 4 (vi) of the H.P. Oath Commissioners (Appointment & Control) Rules, 2007 is pleased to appoint Sh. Sunil Kumar, Advocate, Una, as Oath Commissioner at Una, H.P. for a period of two years, with effect from 2-8-2008, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

By order,  
Sd/-  
*Registrar General.*

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*Shimla, the 26th July, 2008*

**No. HHC/Admn. 6 (23)/74-XIII.**—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of H.P. Financial Rules, 1971, Volume-I, is pleased to declare Civil Judge (Junior Division)-cum-JMIC (II), Amb as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum- JMIC (I), Amb and also the Controlling Officer for the purpose of T.A. etc. in respect of Class-II, III and IV establishment attached to the aforesaid Court under head "2014-Administration of Justice" during the paternity leave period of Shri P.S. Arora, Civil Judge (Jr. Division)-cum-JMIC(I), Amb *w.e.f.* 28-7-2008 to 8-8-2008, with permission to prefix Sunday falling on 27-7-2008 and to suffix second Saturday and Sunday falling on 9th & 10<sup>th</sup> August, 2008, or until he returns from leave.

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*Shimla, the 26th July, 2008*

**No. HHC/GAZ/14-241/99.**—Hon'ble the Chief Justice is pleased to grant 11 days earned leave *w.e.f.* 4-8-2008 to 14-8-2008 with permission to prefix Sunday falling on 3-8-2008 and to suffix holidays and Sunday falling on 15-8-2008 to 17-8-2008 in favour of Shri Hans Raj, Civil Judge (Sr. Division)-cum-JMIC, Joginder Nagar.

Certified that Shri Hans Raj is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Hans Raj would have continued to hold the post of Civil Judge (Sr. Division)-cum-JMIC, Joginder Nagar, but for his proceeding on leave for the above period.

*Shimla, the 26th July, 2008*

**No. HHC/GAZ/14-269/2003.**—Hon'ble the Chief Justice is pleased to grant 12 days paternity leave with effect from 28-7-2008 to 8-8-2008 with permission to prefix Sunday falling on 27-7-2008 and to suffix second Saturday and Sunday falling on 9th & 10th August, 2008 in favour of Shri P.S. Arora, Civil Judge (Jr. Division)-cum-JMIC (I), Amb.

Certified that Shri P.S. Arora is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri P.S. Arora would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC (I), Amb, but for his proceeding on leave for the above period.

By order,  
Sd/-  
*Registrar General.*

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## LABOUR & EMPLOYMENT DEPARTMENT

### ORDER

*Shimla-171 001, 31st July, 2008*

**No.11-2/93(Lab) I.D/Parwanoo-Loose /Strike.**—Whereas a dispute arose between the Gabriel Employees Union (Regd. No. 258), Parwanoo, Distt. Solan, H.P. V/S General Manager/Factory Manager, M/S Federal Mogul Bearings India Ltd. Plot No. 5, Sector-2, Parwanoo, Distt. Solan, H.P.;

And whereas the management of M/S Federal Mogul Bearings India Ltd. Parwanoo, Distt. Solan, H.P. has alleged that all the 152 workers of the factory are on sit-in-strike *w.e.f.* 08-7-2008 against the dismissal of three workers *i.e.* Sh. Kulwant Kumar S/o Late Sh. Barhmu Ram, Operator *w. e. f.* 07-7-2008 by order dated 07-7-2008 and further dismissal from services of Sh. Parkash Singh S/o Sh. Charan Singh, Operator & Sh. Nirmal Singh S/o Sh. Mukhtayar Singh, Operator *w.e.f.* 08-7-2008 vide orders dated 08-7-2008 ;

And whereas the Gabriel Employees Union (Regd. No. 258), Parwanoo, Distt. Solan, H. P. has alleged that the management has declared illegal lockout for the factory workers *w.e.f.* 14-7-2008 as alleged by the above said workers union.

And whereas the conciliation proceedings were conducted by the Labour Officer, Solan, Deputy Labour Commissioner, Joint Labour Commissioner, H.P. and they made efforts to settle the industrial dispute between parties but they could not settle the dispute due to their onesided stand for their respective defense. After considering the reports of Labour Officer, Solan and record of efforts made by Deputy Labour Commissioner, Joint Labour Commissioner, H.P. and after applying my mind I have decided to refer the issues of disputes to the Labour Court-cum-Industrial Tribunal, Shimla for adjudication; Accordingly the dispute has been referred to Labour Court-cum-Industrial Tribunal, Shimla for adjudication vide Notification No.11-2/93(Lab) I.D/Parwanoo-Loose, dated 31st July, 2008.

THEREFORE, in the light of Reference made on the issues of dispute, in exercise of powers vested in me vide Himachal Pradesh Government Notification No:19-8/89(Loose), dated 07-09-1992, I hereby prohibit the strike/lock-out in M/S Federal Mogul Bearings India Ltd. Parwanoo, Distt. Solan, H.P.; with immediate effect for maintaining industrial peace in public interest.

By order,  
Sd/-  
Labour Commissioner.

श्रम विभाग

अधिसूचना

शिमला-171001, 31 जुलाई, 2008

**संख्या 11-2/93(Lab) I.D/Parwanoo-Loose.**—अधोहस्ताक्षरी को यह प्रतीत होता है कि Gabriel Employees Union (Regd. No. 258), Parwanoo, Distt. Solan, H.P. V/S General Manager/Factory Manager, M/S Federal Mogul Bearings India Ltd., Plot No.5, Sector-2, Parwanoo Distt. Solan, H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है। और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947(1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

1. “Whether the enquiry conducted by the Management of M/S Federal Mogul Bearings India Ltd. Parwanoo, Distt. Solan, H.P. against Sh. Kulwant Kumar S/o Sh. Barhamu Ram, Sh. Parkash Singh S/o Sh. Charan Singh and Sh. Nirmal Singh S/o Sh. Mukhtayar Singh is fair and justified and based on the Principal of Natural Justice?” If not, the enquiry report dated 08-1-2008 deserved to be quashed?”
2. “Whether the punishment of dismissal from services imposed on Sh. Kulwant Kumar S/o Late Sh. Barhmu Ram, Operator *w.e.f.* 07-7-2008 by order dated 07-7-2008, Sh. Parkash Singh S/o Sh. Charan Singh, Operator & Sh. Nirmal Singh S/o Sh. Mukhtayar Singh, Operator *w.e.f.* 08-7-2008 vide orders dated 08-7-2008 is proportionate to their misconduct proved in the enquiry? If not, whether the orders of dismissal from services of above said three workmen deserve to be quashed and what relief the workers including the reinstatement of services alongwith service benefits, seniority and wages from the date of dismissal to the date of reinstatement, they are entitled for?”

3. “Whether sit-in-strike/strike *w.e.f.* 08-7-2008 by the workers of M/S Federal Mogul Bearings India Ltd. Parwanoo, Distt. Solan, H.P in support of three dismissed operators S/Sh. Kulwant Kumar, Parkash Singh and Nirmal Singh is legal and justified, as alleged by the above said management ? If not, its effects on the service conditions of such workers?
4. “As alleged by the workers union, whether the lock-out of the above said factory/establishment by the management against the protest of the workers who were protesting against the dismissal of the above said three workers, and further to seek undertaking from each worker for entering the gate of factory/establishment for working there, is legal and justified? If not, to relief and service benefits including wages, the workers affected by the lock-out, are entitled for ?”

By order,  
Sd/-  
*Labour Commissioner.*

[Authoritative English Text of this Department Notification No. PBW-A-A(3)-5/2006 dated 3-7-2008. As required under clause (3) of Article 348 of the Constitution of India].

## PUBLIC WORKS DEPARTMENT

### NOTIFICATION

*Shimla-171002, the 3<sup>rd</sup> July, 2008*

**No. PBW-A-A(3)-5/2006.**—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules, for the post of Junior Draughtsman (Architecture) Class-III (Non Gazetted) in the Himachal Pradesh Public Works Department, as per Annexure “A” attached to the notification, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Himachal Pradesh Public Works Department Jr. Draughtsman (Architectur.) (Class-III Non Gazetted) Recruitment and Promotion Rules, 2008.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order,  
BALRAM SHARMA,  
*Secretary.*

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF JUNIOR DRAUGHTSMAN  
(ARCHITECTURE) CLASS-III(NON-GAZETTED) IN THE DEPARTMENT OF PUBLIC  
WORKS, HIMACHAL PRADESH**

1. *Name of the post.*— Junior Draughtsman (Architecture)
2. *Number of post(s).*—15 (Fifteen)
3. *Classification.*—Class-III-Non-Gazetted (Non-Ministerial Services)
4. *Scale of Pay.*—Rs. 4020-150-5000-160-5800-200-6200.
5. *Whether “Selection” post or “Non-Selection” post.*—Non-Selection
6. *Age for direct recruitment.*— Between 18 & 45 years'

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age-limit by virtue of his / her such *adhoc* or contract appointment;

Provided further that upper age-limit is relaxable for Scheduled Castes/Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government;

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial of such constitutions of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting application or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. *Minimum educational and other qualifications required for direct recruit(s).*—**ESSENTIAL QUALIFICATION(S).**—(i) Matric or its equivalent/Higher qualification from a recognised Board/University and should have passed the Diploma in Architectural Assistantship from the institute recognised by the State / Central Government. OR

(ii) Should have passed the Matriculation Examination from a recognised Board of School Education / Institution & have passed 02 years certificate course in the trade of Draughtsmanship / Diploma in Draughtsmanship or its equivalent from a Polytechnic Institute / I.T.I. or an Institute duly recognised by the Central / State Government.

DESIRABLE QUALIFICATION(S).—Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

**8.** *Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s).*—AGE.—Not applicable

EDUCATIONAL QUALIFICATION.—Not applicable

**9.** *Period of probation, if any.*—Two years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

**10.** *Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.*—(i) 25% by direct recruitment on regular basis or on contract basis;

(ii) 25% by batchwise on regular basis or on contract basis; and

(iii) 50% by transfer failing which by direct recruitment on regular basis or on contract basis.

**11.** In case of recruitment by promotion, deputation, transfer, grade from which promotion / deputation / transfer is to be made:

(i) By transfer on the basis of seniority subject to option from amongst the Junior Draughtsmen of the Civil Wing who possess educational qualification prescribed for the direct recruitment in column No.7 (i) above and having 03 years service in the grade with 02 years experience of having worked in Architectural Wing of Public Works Department failing which by direct recruitment.....35%

(ii) By transfer on the basis of seniority subject to option from amongst the Junior Draughtsmen of the Civil Wing who possess Diploma in Draughtsmanship/Certificate Course in the trade of Draughtsmanship or its equivalent from recognised Institute by the State/Centre Government and having 10 years service including 05 years experience working as Junior Draughtsman /Draughtsman in Architectural Wing of Public Works Department failing which by direct recruitment.....15%

The roster for filling up of the posts by direct recruitment and by transfer will be as under:—

1st, 4th, 10th, 13th & 18<sup>th</sup> point.—By direct recruitment on regular basis or on contract basis.

2nd, 6th, 11th, 15th & 20<sup>th</sup> point.—By batchwise on regular basis or on contract basis

3rd, 5th, 7th, 9th, 12th, 14th & 17th point.—By transfer from category (i) above.

8th, 16th & 19<sup>th</sup> point.—By transfer from category (ii) above

*Note.*—The roster will be repeated after every 20<sup>th</sup> vacancy till the representation to all the categories is achieved up to the given percentage. Thereafter, the vacancy is to be filled up from the category which vacates the post.

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the *adhoc* appointment / promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules, provided that:

In all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years' or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him / her shall also be deemed to be ineligible for consideration for such promotion;

*Explanation.*—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.

(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment / promotion against such post shall be taken into account towards the length of service, if the adhoc appointment / promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

**12.** *If a Departmental Promotion Committee exists, what is its composition.*—As may be constituted by the Government from time to time.

**13.** *Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.*—As required under the Law.

**14.** *Essential requirement for a direct recruitment.*—A candidate for appointment to any service or post must be a citizen of India.



**15. Selection for appointment to post by direct recruitment.**—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the Commission /other recruiting authority, as the case may be.

**15.A. Selection for appointment to the post by contract appointment.**—(I) CONCEPT.—(a) Under this policy the Junior Draughtsman (Architecture) in P.W.D. will be engaged on contract basis initially for one year, which may be extendable for two more years on year to year basis.

(b) POSTS FALLS WITHIN THE PURVIEW OF HPSSSB.—The Engineer-in-Chief, H.P.P.W.D. after obtaining the approval of the Government to fill up vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.

(d) Contract appointee so selected under these Rules will not have any right to claim for regularization or permanent absorption in the Government job.

(II) CONTRACTUAL EMOLUMENTS.—The Junior Draughtsman (Architecture) appointed on contract basis will be paid consolidated fixed contractual amount @Rs.6030/- P.M. (which shall be equal to initial of the pay scale + dearness pay). An amount of Rs.150/- (equal to annual increase in the pay scale of the post) as per annual increase in contractual emoluments for the second and third years respectively will be allowed if contract is extended beyond one year.

(III) APPOINTING / DISCIPLINARY AUTHORITY.—The Superintending Engineer of the concerned circle of H.P.P.W.D. will be appointing and disciplinary authority.

(IV) SELECTION PROCESS.—Selection for appointment to the post in the case of contract appointment will be made on the basis of viva- voce test or if consider necessary or expedient by written test or practical test the standard / syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENT.—As may be constituted by the concerned recruiting agency i.e. the H.P. Subordinate Services Selection Board from time to time.

(VI) AGREEMENT.—After selection of a candidate, he / she shall sign an agreement as per Annexure-B appended to these Rules.

(VII) TERMS AND CONDITIONS.—(a) The contract appointee will be paid fixed contractual amount @Rs.6030/- per month (which shall be equal to initial of the pay scale + dearness pay). The contract appointee will be entitled for increase in contractual amount @Rs.150/- (equal to annual increase in the pay scale) per annum for second and third years respectively and no other allied benefits such as senior / selection scales etc. shall be given.

(b) The service of the contract appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance / conduct of the contract appointee is not found satisfactory.

(c) Contractual appointment shall not confer any right to incumbent for the regularization in service at any stage.

(d) Contract appointee will be entitled for oneday casual leave after putting one-month service. This leave can be accumulated upto twelve days in a calendar year and casual leave not availed in a calendar year shall lapse on the close of a calendar year. No leave of any other kind is admissible to the contract appointee. He / she shall not be entitled for Medical Re-imbursement and LTC etc. Only maternity leave will be given as per Rules.

(e) Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(f) Transfer of a contract appointee will not be permitted from one place to another in any case.

(g) Selected candidate will have to submit a certificate of his/her fitness from a Government /Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer / Practitioner.

(h) Contract appointee will be entitled to TA / DA if required to go on tour in connection with his / her official duties at the same rate as applicable to regular officials at the minimum of the pay scale.

(VIII) **RIGHT TO CLAIM REGULAR APPOINTMENT.**—The candidate engaged on contract basis under these Rules shall have no right to claim for regularization/permanent absorption as Junior Draughtsman (Architecture) in the Department at any stage.

**16. Reservation.**—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes / other categories of persons issued by the Himachal Pradesh Government from time to time.

**17. Departmental Examination.**—Not applicable

**18. Powers to relax.**—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P.P.S.C. relax any of the provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).

ANNEXURE-“B”

**Form of contract/agreement to be executed between the Junior Draughtsman(Arch.) & the Government of Himachal Pradesh through Engineerin-Chief, H.P. Public Works Department**

This agreement is made on this ..... day of..... in the year.....between Sh./Smt.....S/o/D/o Shri.....R/o....., contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Engineer-in-Chief HP PWD(here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Junior Draughtsman(Arch.) on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Junior Draughtsman (Arch.) for a period of 1 year commencing on day of..... and ending on the day of ..... It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on..... And information notice shall not be necessary.

2. The contractual amount of the FIRST PARTY will be Rs. 6030/- per month.

3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.

4. The contractual appointment shall not confer any right to incumbent for the regularization of service at any stage.

5. Contractual Junior Draughtsman(Arch.) will be entitled for one day casual leave after putting one month service. This leave can be accumulate upto one year. No leave of any kind is admissible to the contractual Junior Draughtsman(Arch.). He/She will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.

6. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual Junior Draughtsman(Arch.) will not be entitled for contractual amount for the period of absence from duty.

7. Transfer of a official appointed on contract basis will not be permitted from one place to another in any case.

8. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit until the confinement is over. The women candidate should be re-examined for fitness from an authorized Medical Officer/ practitioner.

9. Contractual Junior Draughtsman(Arch.) shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part Official, at the minimum of the pay scale.

10. The Employees Group Insurance Scheme as EPF/GPF facility will not be applicable to the contractual appointee(s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Full Address)

(Signature of the FIRST PARTY)

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Full Address)

IN THE PRESENCE OF WITNESS:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Full Address)

(Signature of the SECOND PARTY)

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Full Address)